

COMMITTEE REPORT

MADAM PRESIDENT:

The Senate Committee on Health and Provider Services, to which was referred Senate Bill No. 307, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- 1 Page 1, between the enacting clause and line 1, begin a new
2 paragraph and insert:
3 "SECTION 1. IC 5-2-1-9, AS AMENDED BY P.L.128-2008,
4 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2009]: Sec. 9. (a) The board shall adopt in accordance with
6 IC 4-22-2 all necessary rules to carry out the provisions of this chapter.
7 The rules, which shall be adopted only after necessary and proper
8 investigation and inquiry by the board, shall include the establishment
9 of the following:
10 (1) Minimum standards of physical, educational, mental, and
11 moral fitness which shall govern the acceptance of any person for
12 training by any law enforcement training school or academy
13 meeting or exceeding the minimum standards established
14 pursuant to this chapter.
15 (2) Minimum standards for law enforcement training schools
16 administered by towns, cities, counties, law enforcement training
17 centers, agencies, or departments of the state.
18 (3) Minimum standards for courses of study, attendance
19 requirements, equipment, and facilities for approved town, city,
20 county, and state law enforcement officer, police reserve officer,

and conservation reserve officer training schools.

(4) Minimum standards for a course of study on cultural diversity awareness that must be required for each person accepted for training at a law enforcement training school or academy.

(5) Minimum qualifications for instructors at approved law enforcement training schools.

(6) Minimum basic training requirements which law enforcement officers appointed to probationary terms shall complete before being eligible for continued or permanent employment.

(7) Minimum basic training requirements which law enforcement officers appointed on other than a permanent basis shall complete in order to be eligible for continued employment or permanent appointment.

(8) Minimum basic training requirements which law enforcement officers appointed on a permanent basis shall complete in order to be eligible for continued employment.

(9) Minimum basic training requirements for each person accepted for training at a law enforcement training school or academy that include six (6) hours of training in interacting with:

(A) persons with mental illness, addictive disorders, mental retardation, and developmental disabilities; **and**

(B) missing endangered adults (as defined in IC 12-7-2-131.3);

to be provided by persons approved by the secretary of family and social services and the board.

(10) Minimum standards for a course of study on human and sexual trafficking that must be required for each person accepted for training at a law enforcement training school or academy and for inservice training programs for law enforcement officers. The course must cover the following topics:

(A) Examination of the human and sexual trafficking laws (IC 35-42-3.5).

(B) Identification of human and sexual trafficking.

(C) Communicating with traumatized persons.

(D) Therapeutically appropriate investigative techniques.

(E) Collaboration with federal law enforcement officials.

(F) Rights of and protections afforded to victims.

(G) Providing documentation that satisfies the Declaration of

1 Law Enforcement Officer for Victim of Trafficking in Persons
 2 (Form I-914, Supplement B) requirements established under
 3 federal law.

4 (H) The availability of community resources to assist human
 5 and sexual trafficking victims.

6 (b) Except as provided in subsection (l), a law enforcement officer
 7 appointed after July 5, 1972, and before July 1, 1993, may not enforce
 8 the laws or ordinances of the state or any political subdivision unless
 9 the officer has, within one (1) year from the date of appointment,
 10 successfully completed the minimum basic training requirements
 11 established under this chapter by the board. If a person fails to
 12 successfully complete the basic training requirements within one (1)
 13 year from the date of employment, the officer may not perform any of
 14 the duties of a law enforcement officer involving control or direction
 15 of members of the public or exercising the power of arrest until the
 16 officer has successfully completed the training requirements. This
 17 subsection does not apply to any law enforcement officer appointed
 18 before July 6, 1972, or after June 30, 1993.

19 (c) Military leave or other authorized leave of absence from law
 20 enforcement duty during the first year of employment after July 6,
 21 1972, shall toll the running of the first year, which shall be calculated
 22 by the aggregate of the time before and after the leave, for the purposes
 23 of this chapter.

24 (d) Except as provided in subsections (e), (l), (r), and (s), a law
 25 enforcement officer appointed to a law enforcement department or
 26 agency after June 30, 1993, may not:

- 27 (1) make an arrest;
- 28 (2) conduct a search or a seizure of a person or property; or
- 29 (3) carry a firearm;

30 unless the law enforcement officer successfully completes, at a board
 31 certified law enforcement academy or at a law enforcement training
 32 center under section 10.5 or 15.2 of this chapter, the basic training
 33 requirements established by the board under this chapter.

34 (e) This subsection does not apply to:

- 35 (1) a gaming agent employed as a law enforcement officer by the
- 36 Indiana gaming commission; or
- 37 (2) an:
- 38 (A) attorney; or

1 (B) investigator;
2 designated by the securities commissioner as a police officer of
3 the state under IC 23-2-1-15(i).

4 Before a law enforcement officer appointed after June 30, 1993,
5 completes the basic training requirements, the law enforcement officer
6 may exercise the police powers described in subsection (d) if the
7 officer successfully completes the pre-basic course established in
8 subsection (f). Successful completion of the pre-basic course authorizes
9 a law enforcement officer to exercise the police powers described in
10 subsection (d) for one (1) year after the date the law enforcement
11 officer is appointed.

12 (f) The board shall adopt rules under IC 4-22-2 to establish a
13 pre-basic course for the purpose of training:

14 (1) law enforcement officers;
15 (2) police reserve officers (as described in IC 36-8-3-20); and
16 (3) conservation reserve officers (as described in IC 14-9-8-27);

17 regarding the subjects of arrest, search and seizure, the lawful use of
18 force, and the operation of an emergency vehicle. The pre-basic course
19 must be offered on a periodic basis throughout the year at regional sites
20 statewide. The pre-basic course must consist of at least forty (40) hours
21 of course work. The board may prepare the classroom part of the
22 pre-basic course using available technology in conjunction with live
23 instruction. The board shall provide the course material, the instructors,
24 and the facilities at the regional sites throughout the state that are used
25 for the pre-basic course. In addition, the board may certify pre-basic
26 courses that may be conducted by other public or private training
27 entities, including postsecondary educational institutions.

28 (g) The board shall adopt rules under IC 4-22-2 to establish a
29 mandatory inservice training program for police officers. After June 30,
30 1993, a law enforcement officer who has satisfactorily completed basic
31 training and has been appointed to a law enforcement department or
32 agency on either a full-time or part-time basis is not eligible for
33 continued employment unless the officer satisfactorily completes the
34 mandatory inservice training requirements established by rules adopted
35 by the board. Inservice training must include training in interacting
36 with persons with mental illness, addictive disorders, mental
37 retardation, and developmental disabilities, to be provided by persons
38 approved by the secretary of family and social services and the board,

1 and training concerning human and sexual trafficking. The board may
2 approve courses offered by other public or private training entities,
3 including postsecondary educational institutions, as necessary in order
4 to ensure the availability of an adequate number of inservice training
5 programs. The board may waive an officer's inservice training
6 requirements if the board determines that the officer's reason for
7 lacking the required amount of inservice training hours is due to either
8 of the following:

9 (1) An emergency situation.

10 (2) The unavailability of courses.

11 (h) The board shall also adopt rules establishing a town marshal
12 basic training program, subject to the following:

13 (1) The program must require fewer hours of instruction and class
14 attendance and fewer courses of study than are required for the
15 mandated basic training program.

16 (2) Certain parts of the course materials may be studied by a
17 candidate at the candidate's home in order to fulfill requirements
18 of the program.

19 (3) Law enforcement officers successfully completing the
20 requirements of the program are eligible for appointment only in
21 towns employing the town marshal system (IC 36-5-7) and having
22 not more than one (1) marshal and two (2) deputies.

23 (4) The limitation imposed by subdivision (3) does not apply to an
24 officer who has successfully completed the mandated basic
25 training program.

26 (5) The time limitations imposed by subsections (b) and (c) for
27 completing the training are also applicable to the town marshal
28 basic training program.

29 (i) The board shall adopt rules under IC 4-22-2 to establish an
30 executive training program. The executive training program must
31 include training in the following areas:

32 (1) Liability.

33 (2) Media relations.

34 (3) Accounting and administration.

35 (4) Discipline.

36 (5) Department policy making.

37 (6) Lawful use of force.

38 (7) Department programs.

1 (8) Emergency vehicle operation.

2 (9) Cultural diversity.

3 (j) A police chief shall apply for admission to the executive training
4 program within two (2) months of the date the police chief initially
5 takes office. A police chief must successfully complete the executive
6 training program within six (6) months of the date the police chief
7 initially takes office. However, if space in the executive training
8 program is not available at a time that will allow completion of the
9 executive training program within six (6) months of the date the police
10 chief initially takes office, the police chief must successfully complete
11 the next available executive training program that is offered after the
12 police chief initially takes office.

13 (k) A police chief who fails to comply with subsection (j) may not
14 continue to serve as the police chief until completion of the executive
15 training program. For the purposes of this subsection and subsection
16 (j), "police chief" refers to:

17 (1) the police chief of any city;

18 (2) the police chief of any town having a metropolitan police
19 department; and

20 (3) the chief of a consolidated law enforcement department
21 established under IC 36-3-1-5.1.

22 A town marshal is not considered to be a police chief for these
23 purposes, but a town marshal may enroll in the executive training
24 program.

25 (l) A fire investigator in the division of fire and building safety
26 appointed after December 31, 1993, is required to comply with the
27 basic training standards established under this chapter.

28 (m) The board shall adopt rules under IC 4-22-2 to establish a
29 program to certify handgun safety courses, including courses offered
30 in the private sector, that meet standards approved by the board for
31 training probation officers in handgun safety as required by
32 IC 11-13-1-3.5(3).

33 (n) The board shall adopt rules under IC 4-22-2 to establish a
34 refresher course for an officer who:

35 (1) is hired by an Indiana law enforcement department or agency
36 as a law enforcement officer;

37 (2) has not been employed as a law enforcement officer for at
38 least two (2) years and less than six (6) years before the officer is

1 hired under subdivision (1) due to the officer's resignation or
2 retirement; and

3 (3) completed at any time a basic training course certified by the
4 board before the officer is hired under subdivision (1).

5 (o) The board shall adopt rules under IC 4-22-2 to establish a
6 refresher course for an officer who:

7 (1) is hired by an Indiana law enforcement department or agency
8 as a law enforcement officer;

9 (2) has not been employed as a law enforcement officer for at
10 least six (6) years and less than ten (10) years before the officer
11 is hired under subdivision (1) due to the officer's resignation or
12 retirement;

13 (3) is hired under subdivision (1) in an upper level policymaking
14 position; and

15 (4) completed at any time a basic training course certified by the
16 board before the officer is hired under subdivision (1).

17 A refresher course established under this subsection may not exceed
18 one hundred twenty (120) hours of course work. All credit hours
19 received for successfully completing the police chief executive training
20 program under subsection (i) shall be applied toward the refresher
21 course credit hour requirements.

22 (p) Subject to subsection (q), an officer to whom subsection (n) or
23 (o) applies must successfully complete the refresher course described
24 in subsection (n) or (o) not later than six (6) months after the officer's
25 date of hire, or the officer loses the officer's powers of:

26 (1) arrest;

27 (2) search; and

28 (3) seizure.

29 (q) A law enforcement officer who has worked as a law enforcement
30 officer for less than twenty-five (25) years before being hired under
31 subsection (n)(1) or (o)(1) is not eligible to attend the refresher course
32 described in subsection (n) or (o) and must repeat the full basic training
33 course to regain law enforcement powers. However, a law enforcement
34 officer who has worked as a law enforcement officer for at least
35 twenty-five (25) years before being hired under subsection (n)(1) or
36 (o)(1) and who otherwise satisfies the requirements of subsection (n)
37 or (o) is not required to repeat the full basic training course to regain
38 law enforcement power but shall attend the refresher course described

1 in subsection (n) or (o) and the pre-basic training course established
2 under subsection (f).

3 (r) This subsection applies only to a gaming agent employed as a
4 law enforcement officer by the Indiana gaming commission. A gaming
5 agent appointed after June 30, 2005, may exercise the police powers
6 described in subsection (d) if:

7 (1) the agent successfully completes the pre-basic course
8 established in subsection (f); and

9 (2) the agent successfully completes any other training courses
10 established by the Indiana gaming commission in conjunction
11 with the board.

12 (s) This subsection applies only to a securities enforcement officer
13 designated as a law enforcement officer by the securities
14 commissioner. A securities enforcement officer may exercise the police
15 powers described in subsection (d) if:

16 (1) the securities enforcement officer successfully completes the
17 pre-basic course established in subsection (f); and

18 (2) the securities enforcement officer successfully completes any
19 other training courses established by the securities commissioner
20 in conjunction with the board.

21 (t) As used in this section, "upper level policymaking position"
22 refers to the following:

23 (1) If the authorized size of the department or town marshal
24 system is not more than ten (10) members, the term refers to the
25 position held by the police chief or town marshal.

26 (2) If the authorized size of the department or town marshal
27 system is more than ten (10) members but less than fifty-one (51)
28 members, the term refers to:

29 (A) the position held by the police chief or town marshal; and

30 (B) each position held by the members of the police
31 department or town marshal system in the next rank and pay
32 grade immediately below the police chief or town marshal.

33 (3) If the authorized size of the department or town marshal
34 system is more than fifty (50) members, the term refers to:

35 (A) the position held by the police chief or town marshal; and

36 (B) each position held by the members of the police
37 department or town marshal system in the next two (2) ranks
38 and pay grades immediately below the police chief or town

- 1 marshal."
- 2 Page 4, line 33, after "the" insert **"voluntary"**.
- 3 Page 5, line 37, after "plan" insert **"agreement"**.
- 4 Page 5, line 40, after "and" insert **"the voluntary"**.
- 5 Page 5, line 40, strike "agreement" and insert **"agreements"**.
- 6 Page 7, line 26, delete "by" and insert **"as part of"**.
- 7 Page 14, after line 42, begin a new paragraph and insert:
- 8 "SECTION 24. [EFFECTIVE JULY 1, 2009] (a) **As used in this**
- 9 **SECTION, "commission" refers to the health finance commission**
- 10 **established by IC 2-5-23-3.**
- 11 **(b) The commission shall study during the 2009 interim whether**
- 12 **Indiana should require an endangered adult (as defined in**
- 13 **IC 12-10-3-2(a)) to wear an electronic device to assist with locating**
- 14 **the endangered adult if the endangered adult is lost or missing.**
- 15 **(c) This SECTION expires December 31, 2009."**
- 16 Renumber all SECTIONS consecutively.
- (Reference is to SB 307 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 7, Nays 0.

Miller

Chairperson